

SENATE BILL NO. 131

INTRODUCED BY C. WILLIAMS

BY REQUEST OF THE FIRE SUPPRESSION COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO DESIGNATE THE WILDLAND-URBAN INTERFACE PARCELS IN EACH COUNTY USING CERTAIN CRITERIA; REQUIRING THE DEPARTMENT TO CREATE AND MAINTAIN MAPS OF THE WILDLAND-URBAN INTERFACE PARCELS; REQUIRING THE USE OF A COMMUNITY WILDFIRE PROTECTION PLAN IF ONE HAS BEEN ADOPTED; PROHIBITING ADDITIONAL OR INCREASED FEES OR INSURANCE PREMIUMS IF LOCATION IN A WILDLAND-URBAN INTERFACE IS THE ONLY CRITERIA; PROVIDING AN APPROPRIATION; AMENDING SECTION 33-24-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Designation of wildland-urban interface parcels. (1) Prior to January 1, ~~2014~~ 2012, and subject to the provisions of this section, the department shall identify the parcels of property in the state that are considered to be wildland-urban interface parcels, delineate those parcels on maps, and ensure that the maps and information on the maps is available to the public, local governing bodies, and governmental fire agencies organized under Title 7, chapter 33.

(2) (a) Except as provided in subsection (2)(b), the department shall identify a county's wildland-urban interface parcels based on the wildland-urban interface designation developed as part of the county's completion of a community wildfire protection plan under 16 U.S.C. 6501, et seq., the Healthy Forests Restoration Act of 2003.

(b) If a community wildfire protection plan has not been adopted ~~or if the department determines that the boundaries of the wildland-urban interface provided in the community wildfire protection plan are inaccurate or in need of revision~~, the department shall:

(i) provide notice to the county governing body that the department intends to designate the wildland-urban interface within the county's jurisdictional boundary;

(ii) allow up to ~~6~~ 18 months for the county to complete ~~or revise~~ and adopt a community wildfire protection

plan if a county had begun the process of developing a plan prior to receiving the notice from the department under subsection (2)(b)(i);

(iii) review and consider the analysis of the potential for fire and wildland fire required in 76-1-601(3)(j) of the county's growth policy, if a growth policy has been adopted;

(iv) consult with the county governing body and governmental fire agencies organized under Title 7, chapter 33, regarding appropriate parcels to designate as wildland-urban interface parcels; and

(v) clearly identify and make available to the county governing body and governmental fire agencies the criteria the department intends to use in designating parcels.

(3) (a) Location of a property within the wildland-urban interface designated under this section may not be the sole reason for assessing additional fire protection fees, impact fees, or other fees against the property.

~~———— (b) A property insurance provider may not increase an insured's premium rate based solely on the insured's property being located within the designated wildland-urban interface.~~

(4) The department shall report its progress in designating wildland-urban interface parcels to an appropriate interim legislative committee assigned to study wildland fire suppression or to the environmental quality council.

(5) The department shall review each county's wildland-urban interface designation every 5 years, make changes as necessary, and maintain accurate maps and other identifying information.

~~———— **Section 2.** Section 33-24-102, MCA, is amended to read:~~

~~———— **"33-24-102. Insuring improvements -- insurance equal to true value -- location restriction.**~~

~~Whenever any (1) If a policy of insurance shall be is written to insure any improvements upon real property in this state against loss or damage and the property insured is considered to be a total loss, without criminal fault on the part of the insured or his the insured's assigns, the amount of insurance written in such the policy shall must be taken conclusively to be the true value of the property insured and the true amount of loss and measure of damages. The payment of money as a premium for insurance shall be is prima facie evidence that the party paying such the insurance premium is the owner of the property insured; provided However, that any an insurance company may set up claim fraud in obtaining the policy as a defense to a suit thereon on the policy.~~

~~———— (2) A property insurer may not increase an insured's premium rate based solely on the insured's property being located within the wildland-urban interface designated under [section 1]."~~

NEW SECTION. SECTION 2. APPROPRIATION. THERE IS APPROPRIATED TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION \$147,327 IN FISCAL YEAR 2010 AND \$140,527 IN FISCAL YEAR 2011 FROM FEDERAL SPECIAL REVENUE FOR THE PURPOSE OF [THIS ACT] ONLY. IF THE DEPARTMENT DOES NOT RECEIVE FEDERAL FUNDS FOR THIS PURPOSE, THE DEPARTMENT SHALL PROCEED WITH THE REQUIREMENTS OF [THIS ACT] TO THE EXTENT POSSIBLE USING EXISTING RESOURCES.

NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 76, chapter 13, part 1, and the provisions of Title 76, chapter 13, part 1, apply to [section 1].

NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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